IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.214 OF 2006
WITH
CIVIL APPLICATION NO.211 OF 2005

Shri Nanhakau Singh T. Singh
(since deceased)
1.Smt.Dularidevi @ Ramkali
N. Singh & Ors. ..Appellants.

V/s.

Maharashtra Housing & Area Development
Board & Ors. ..Respondents.

Mr.T.S.Yadav for appellants.

Mr.A.R.Patil, AGP for respondent Nos.1,2,5 and 6.

CORAM: A.M.KHANWILKAR,J

DATE : APRIL 5, 2006.

P.C. :

1. Heard counsel for the parties.

2. I see no reason to interfere with the ultimate conclusion reached by the court below in rejecting the Notice of Motion taken out by the appellants. By the said Notice of Motion, the appellants were essentially asking for mandatory relief. No special reason is given why this relief ought to be granted in favour of the appellants. In so far as the grievance of demolition of W.C. by the authority, it is not in dispute that authority has

constructed 10 new W.C.Blocks at the same place. To that extent, the problem faced by the residents in the locality has been taken care of.

3. In the circumstances, instead of entertaining this appeal, appropriate course to my mind is to direct early disposal of the suit, which is pending before the trial court since 2000. That suit be disposed of as expeditiously as possible, preferably by end of December, 2006.

4. Counsel appearing for the parties assure that necessary cooperation will be extended to the trial court for early disposal of the suit.

5. All the questions are left open to be decided on its own merits in accordance with the law.

6. Appeal as well as civil application disposed of on the above terms.